IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1077 OF 2004

The State of Maharashtra ..Appellant

V/s.

Pratap Tukaram Killedar ..Respondent

Mr.D.R.More, APP for Appellant/State.

Coram : R.S.Mohite,J

Date :10th January, 2006.

PC

1. This is an appeal filed by the State impugning a judgment and order passed by the Special Judge, Kolhapur on 8.4.2004 acquitting the accused for offences punishable under sections 7, 13(1) (d) r/w section 13(2) of Prevention of Corruption Act. On perusal of the impugned judgement and order, it is seen that the same has been passed for cogent and acceptable reasons. As regards the demand, the Court has stated that the complainant admitted that when he went to the Gram panchayat office, there were 4 to 5 other persons present there and his talk with the accused took place in the presence of those persons. He further admitted that the accused told those 4 to 5 persons that he would give cheque to the complainant if they would take responsibility of

the work to be completed by the complainant. Apart from this a receipt has been found for the amount of Rs.1000/- said to be the bribe amount and the receipt was produced by the prosecution at Exh.38. The complainant in his cross-examination had admitted that the complaint which he had given was hand-written but the complaint which had come before the Court is a typed copy. The panch witness also admitted that there were 4 persons present in the Gram panchayat office and they had taken the responsibility for the work of construction of the school building by the complainant and only thereafter, Rs.1000/- was given by the complainant to the accused. Panch further admitted that after a cheque of Rs.5000/- was given to the complainant, no demand was made by the accused. In my view, not a fit case to interfere. Hence, leave is refused and consequently, appeal stands dismissed.

(R.S.Mohite,J)